

REMARKS / ARGUMENTS

Claims 122-123, 125, 126, 127, 128, and 129 have been rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 28, 30, 31, 32, 33 and 34, respectively of US Patent No. 7,058,225.

Applicant files herewith a terminal disclaimer in compliance with 37 CFR 1.321. The US Patent No. 7,058,225 is commonly owned with this application, the common owner being Cognex Corporation, Natick MA. Accordingly, the rejection of claims 122-123, 125, 126, 127, 128, and 129 on the grounds of non-statutory obviousness-type double patenting is deemed to be overcome.

Claims 122-124 and 134-135 have been rejected under 35 USC 102(b) as being anticipated by Cootes et al (Active Shape Models – Their Training and Application) (“Cootes”).

Claim 122 has been amended such that the information stored as part of the model pattern is stored as a vector-valued function of position:

“generating information about the boundary points for inclusion in said model pattern, the information being stored as a vector-valued function of position within a region of the image that includes the boundary points, resulting

in a model pattern that includes information that is a vector-valued function of position within the region of the image that includes the boundary points."

By contrast, Cootes teaches merely points of a model of a boundary, without mention of a vector-valued function of position, as shown for example in Figs 4 and 5, and respective sections 3.1 and 3.3, as cited by the Examiner.

Claim 122 has been modified to incorporate the limitation of claim 125. Claim 125 is deemed to be allowable given the terminal disclaimer filed herewith. Accordingly, claim 122 is deemed to be allowable.

Further, since claims 122-124 and 134-135 depend from allowable claim 122, they are also deemed to be allowable.

Claims 130-133 and 136-146 were objected to as being dependent upon a rejected base claim (122). Since claim 122 is now deemed to be allowable, claims 130-133 and 136-146 are also deemed to be allowable.

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Claims 147 -154 and 156-157 have been allowed.

Accordingly, Applicants assert that the present application is in condition for allowance, and such action is respectfully requested. The Examiner is invited to phone the undersigned attorney to further the prosecution of the present application.

Respectfully Submitted,

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Russ Weinzimmer
Registration No. 36,717
Attorney for Applicants

P.O. Box 862
Wilton, NH 03086

Tel: 800-621-3654
Fax: 800-621-3654